

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRISTY ANNE KAUFFMAN,

Plaintiff,

v.

Case No. 12-11923
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ACCEPTING REPORT AND RECOMMENDATION
ON CROSS-MOTIONS FOR SUMMARY JUDGMENT
and DISMISSING ACTION

This matter is before the Court on Magistrate Judge David R. Grand's Report and Recommendation [**Doc. No. 18, filed December 28, 2012**]. The time to file objections has passed. To date, no objections have been filed to the Report and Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. This Court does not have the authority to reweigh the factual evidence before the ALJ if the ALJ's decision is supported by substantial evidence. The Court agrees with the Magistrate Judge that the ALJ's conclusion that Plaintiff does not meet the listing level impairment was supported by substantial evidence on the record. The Court further agrees with the Magistrate Judge that the ALJ's residual functional capacity findings were supported by substantial evidence. The Court also agrees with the Magistrate Judge that the ALJ properly relied on the vocational expert's testimony and that the ALJ appropriately utilized the vocational expert's testimony.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge David R. Grand [Doc. No. 18, filed December 28, 2012] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motions for Summary Judgment [Doc. No. 14, filed September 27, 2012] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motions for Summary Judgment [Doc. Nos. 16, filed October 29, 2012 (stricken as duplicative) and 17, filed October 29, 2012] are **GRANTED**. The Commissioner's decision is **AFFIRMED**.

IT IS FURTHER ORDERED this action is **DISMISSED** with prejudice.

Dated: February 26, 2013 S/Denise Page Hood
Denise Page Hood
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 26, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager